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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,476	07/18/2003	George Blaisdell	12927.15US01	4568
23552	7590	12/20/2005	EXAMINER	
MERCHANT & GOULD PC			VASUDEVA, AJAY	
P.O. BOX 2903			ART UNIT	
MINNEAPOLIS, MN 55402-0903			PAPER NUMBER	

3617

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/623,476	Applicant(s) BLAISDELL ET AL.	
	Examiner Ajay Vasudeva	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

New Rejection

1. Due to a reconsideration of the previously allowed claims in view of newly discovered art, this Office Action contains a non-final rejection based on new grounds. Therefore, the finality of the previous Office action is being withdrawn. The examiner regrets the resulting inconvenience caused to the applicants and their representative.

Specification

2. In the abstract (line 5), after "toilet can be", change "slide" to – **slid** –.

Claim Objections

3. The following changes are recommended to place Claims 16 and 33 in better form:

In claim 16,

- On line 9, after "structure define an", insert – **expanded** --.
- On line 11, after "located adjacent to the", insert – **expanded** --.
- On line 11, after "located adjacent to the interior", delete "**of the privacy enclosure arrangement**".
- On line 13, after "between the storage compartment and the", insert – **expanded** --.
- On line 13, after "between the storage compartment and the interior", delete "**of the privacy enclosure arrangement**".

Similar changes are requested for claim 33.

Note: The above changes were discussed with, and agreed to, by applicants representative during an interview with the examiner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6,302,475 B1) in view of Maieli et al. (US 5,673,962 A).

Anderson shows a recreational vehicle [10] having an enclosure with a rigid outer wall structure [18, 66] that expands to an expanded configuration in a first direction and then a second perpendicular direction (see abstract; and fig. 2). The enclosure and a base [36] together define an interior when the rigid outer wall structure is in the expanded configuration.

Anderson, however, does not show a storage compartment located adjacent the interior, or a toilet that is moveable between the storage compartment and the interior.

Maieli et al. shows an auxiliary toilet arrangement for a recreational vehicle (col. 4, lines 23-37). The arrangement comprises a portable toilet placed in a storage compartment [14], wherein the storage compartment is located adjacent an interior of the vehicle.

It would have been obvious for one skilled in the art at the time of the invention to provide an auxiliary toilet with a storage compartment in the vehicle of Anderson, as taught by Maieli et al. Having such an arrangement in addition to an existing toilet of the vehicle would have provided a reserve toilet in the event the existing toilet of the vehicle was rendered

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unusable. Having such an arrangement would have also provided a toilet that was easily accessible from the exterior of the vehicle.

The limitation "a toilet moveable" has been interpreted to mean a "toilet that is capable of moving". Applicants may note that the toilet, being portable, is considered as capable of being moved -- and therefore moveable -- between the storage compartment and the interior of the vehicle.

Applicants may also note that a portable toilet is considered usable both inside as well as outside the vehicle.

Response to Arguments

6. Applicant's arguments with respect to claims 16 and 33 have been considered but are moot in view of the new ground(s) of rejection.

Interview

7. The examiner greatly appreciates the effort made by applicants' representative, Ms. Karen Fitzsimmons, during interviews with the examiner on Dec. 12 and 16, 2005, to advance the prosecution. Unfortunately, no specific agreement could be reached at the time of this Office action because it was felt that the new reference should be made of record. However, the examiner is open to discussing an examiner's amendment toward an allowance if the applicants prefer to submit a draft amendment via email.

Conclusion

8. This is a Non-Final Office action.


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (571) 272-6689. The examiner can normally be reached on Monday-Friday 12:00 -- 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ajay Vasudeva
Examiner
Art Unit 3617


AJAY VASUDEVA 12/16/05
PATENT EXAMINER